

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED SERVICES AUTOMOBILE ASSOCIATION,

Plaintiff,

V.

PNC BANK N.A.,

Defendant.

CASE NO. 2:20-CV-00319-JRG-RSP

ORDER

Plaintiff United Services Automobile Association (“USAA”) previously filed a Motion for Summary Judgment Dismissing PNC's Patent-Eligibility Defenses (“USAA's Motion for Summary Judgment”) (Dkt. No. 323) and Defendant PNC Bank N.A. (“PNC”) filed a Motion For Summary Judgment Of Lack Of Patent Eligibility Under 35 U.S.C. § 101 (“PNC's Motion for Summary Judgment”) (Dkt. No. 322.) Magistrate Judge Payne entered a Report and Recommendations and Order (Dkt. No. 636), recommending granting USAA's Motion for Summary Judgment and denying PNC's Motion for Summary Judgment. As to the Order, Magistrate Judge Payne entered an Order granting in part the Motion to Strike Portions of the Opening Expert Report of Mark Webster (“Motion to Strike”) (Dkt. No. 310) filed by USAA. PNC has filed objections to the Report and Recommendations and Order (Dkt. Nos. 656, 657).

After conducting a *de novo* review of the briefing on all three motions, the Report and Recommendations and Order, and the briefing on PNC's Objections, the Court agrees with the reasoning provided within the Report and Recommendations and Order and concludes that the Objections fail to show that the Report and Recommendations and Order were erroneous. Consequently, the Court **OVERRULES** and PNC's Objections (Dkt. Nos. 656, 657) and

ADOPTS the Report and Recommendations and Order (Dkt. No. 636) and orders that USAA's Motion for Summary Judgment is **GRANTED**; PNC's Motion for Summary Judgment is **DENIED**; and the Motion to Strike is **GRANTED IN PART**.

So ORDERED and SIGNED this 9th day of May, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE